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17 *Attorneys for Plaintiffs Andrea Resnick,
18 Gary Bunker, John Haley, Amy Latham,
Eric Roslansky, and Kevin Simpson*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

21 ANDREA RESNICK, GARY BUNKER, JOHN) Case No. C 09-0002 PJH
22 HALEY, AMY LATHAM, ERIC ROSLANSKY,)
23 and KEVIN SIMPSON, on behalf of themselves) NOTICE OF FILING
and others similarly situated,)
24 Plaintiff,) Judge: Hon. Phyllis J. Hamilton
25 vs.)
26 WALMART.COM USA LLC, WAL-MART)
STORES, INC., and NETFLIX, INC.,)
27 Defendant.)
28

**Notice of Filing
Case No. C 09-0002 PJH**

1 Plaintiffs Andrea Resnick, Gary Bunker, John Haley, Amy Latham, Eric Roslansky, and Kevin
2 Simpson hereby notify the Court that the *Resnick* case and its related cases pending in this Court are
3 the subject of a proceeding before the Judicial Panel on Multidistrict Litigation (JPML) to consolidate
4 with them several similar cases pending in other federal districts. *In re Online DVD Rental Antitrust*
5 *Litigation* (MDL No. 2029).

6 The *Resnick* Plaintiffs submitted a brief to the JPML arguing in favor of centralization of all
7 cases before this Court on behalf of themselves and 36 other plaintiffs in 32 related actions pending in
8 this Court and elsewhere. In addition, Defendants filed a brief favoring transfer to this Court. A copy
9 of the *Resnick* Plaintiffs' joint response submitted to the JPML is attached hereto as Exhibit A.

10 The *Resnick* Plaintiffs further notify the Court that they have initiated discussions with
11 Defendants in order to submit a Consolidated Joint Case Management Statement and to schedule a
12 Rule 26(f) conference in accord with this Court's Order of February 2, 2009, scheduling the case
13 management conference for April 9, 2009. The *Resnick* Plaintiffs intend to coordinate the views of
14 Plaintiffs in the related cases with the goal of submitting a Consolidated Joint Case Management
15 Statement, as the *Resnick* Plaintiffs did in submitting the joint brief to the JPML.

16 Dated: March 10, 2009

Respectfully submitted,

17 HOWREY LLP

18

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By: _____ /s/ Paul Alexander

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*Counsel for Plaintiffs Andrea Resnick, et al., and
Proposed Interim Lead Counsel for the Proposed
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Notice of Filing
Case No. C 09-0002 PJH

-3-

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am a citizen of the United States and employed in San Mateo County, State of California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1950 University Avenue, 4th Floor, East Palo Alto, California 94303. On the date set forth below, I served a copy of the following documents:

1. NOTICE FILING

on the interested parties in the subject action by placing at true copy thereof as indicated below, addressed as follows:

BY NOTICE OF ELECTRONIC FILING.

The following parties were served **electronically** by simultaneously filing the attached document with the United States District Court, Northern District of California, Case No. C 09-0002 PJH

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Case No. C 09-0002 PJH

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13 I declare under the penalty of perjury under the laws of the State of California and the
14 United States that the above is true and correct.

15 Executed on March 10, 2009, at East Palo Alto, California.

Eric Trostad
(Type or print name)

to, California.


(Signature)